

## § 238.4

## 32 CFR Ch. I (7–1–04 Edition)

(4) *Official DoD functions.* Those activities (including Defense Committees, Joint Civilian Orientation Conference (JCOC), and activities held on military installations, or elsewhere when the appropriate commander certifies that suitable facilities are not available on a military installation) which are sponsored by a Military Service, have as their principal purpose the promotion of esprit de corps, and are conducted primarily for active duty personnel, dependents, and guests.

(5) *Official civic functions.* Those activities in which officials of State, county, or municipal governments are involved in the performance of their official duties (for example, inaugurations, dedications of public buildings and projects, the convening of legislative bodies, and ceremonies for officially invited Government visitors).

(b) Other terms used in this part are defined in § 237.8 of this title, and §§ 238.10 and 238.12 of this part.

### § 238.4 Policy.

(a) The policy of the Secretary of Defense governing Armed Forces Community Relations programs is based on public law and executive orders and is set forth in part 237 of this title. Amplification of basic policy and supplemental guidelines for the planning and conduct of specific categories and types of community relations programs are contained in this part.

(b) The Assistant Secretary of Defense (Public Affairs) (ASD(PA)) been designated as the principal staff assistant to act for and in behalf of the Secretary of Defense in granting any exceptions to basic public affairs policy.

(1) Requests for exceptions to this policy shall be submitted to the ASD(PA) via command channels.

(2) Such requests shall contain, as a minimum:

(i) A description of the community relations program contemplated,

(ii) A justification for approval of the exception, and

(iii) Appropriate recommendations.

(3) Exceptions shall be granted on a case-by-case basis.

(c) Policy guidance concerning public affairs relations with business and non-Government organizations rep-

resenting business is contained in part 237a of this title.

(d) Policy governing the use of military carriers for public affairs purposes is contained in DoD Instruction 5435.2,<sup>1</sup> "Delegation of Authority to Approve Travel In and Use of Military Carriers for Public Affairs Purposes," April 25, 1975.

### § 238.5 Procedures.

(a) Within basic legal and policy limitations, commanders at all levels who plan or conduct a community relations program shall consider initially:

(1) The interests of the Department of Defense and the community as a whole.

(2) Pertinent operational requirements.

(3) The availability of adequate and appropriate resources.

(b) When a proposed community relations program exceeds local support capability or the scope of local public affairs responsibility, it shall be referred, via command channels, to the appropriate higher echelon. The proposal shall contain, as a minimum:

(1) A description of the program;

(2) A list of support requirements;

(3) A description of the anticipated scope of the program;

(4) Comments concerning expected community reactions; and

(5) Appropriate recommendations.

(c) All DoD Components shall use approved DoD request formats, appended as various enclosures to this part, in processing requests by civilian sponsors for Armed Forces support of community relations programs. These formats, which may be reproduced locally, provide sufficient information to permit the approving authority to:

(1) Evaluate the appropriate degree of Armed Forces support, and

(2) Determine compliance with the requirements of this part.

(d) To ensure that a proposed community relations program conforms to the limitations imposed by public law and by policy contained in part 237 of this title, the following aspects of the

<sup>1</sup>Copies may be obtained, if needed, from U.S. Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, Pa., 19120, Attn: Code 301.

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program shall be evaluated (using the criteria set forth in § 238.6.)

(1) The objectives and purposes of the program ("*program criteria*").

(2) The interests and objectives of the sponsor or sponsoring group ("*sponsor criteria*").

(3) The nature or character of the location of the program ("*site criteria*").

(4) The full particulars of DoD support ("*support criteria*").

### § 238.6 Guidelines.

(a) The Department of Defense authorizes and encourages support of community relations programs when at least one of the conditions listed in each of the following criteria categories (program, sponsor, site, and support) is met:

(1) *Program criteria.* When the program is:

(i) Specifically authorized or directed by public law, executive order, or the Secretary of Defense.

(ii) An official Federal Government, military, or civil ceremony or function.

(iii) An event or occasion of general interest or benefit to a local, State, regional, or national community, and is available to the community.

(iv) In support of authorized recruiting or personnel procurement programs.

(v) In support of:

(A) United, federated or joint fund-raising campaigns authorized by DoD Directive 5035.1,<sup>1</sup> "Fund-Raising Within the Department of Defense, April 7, 1978;

(B) Such fund-raising appeals as the President or the Director of the Office of Personnel Management may authorize; or

(C) The Military Service Aid societies.

NOTE: DoD support for local fund-raising programs, other than those described above, is authorized only when the fund-raising program is local in nature, is of community-wide interest and benefit, and has the support of endorsement of the local united, federated, or joint campaign officials; or when, in the judgment of the local commander, support of a purely local charitable drive is part of the responsible role of the military installation in the local community. Volun-

teer fire department, rescue unit, or youth activity fund drives are examples of such local programs.

(vi) In support of fund-raising campaigns solely for the benefit of U.S. teams competing in the Pan American Games or the Olympic Games (see DoD Directive 1330.4,<sup>1</sup> "Participation in Interservice National and International Sports Activities," November 14, 1968).

(vii) Of a patriotic nature; or with the addition of military support, designed to include a patriotic acknowledgement; or the celebration of a Government-recognized local, State, regional, or national holiday.

(2) *Sponsor criteria.* The sponsor or sponsoring organization does not specifically exclude any person from its membership for reasons of race, creed, color, or national origin. DoD support is authorized for programs sponsored by organizations whose qualification for membership is based on sex or national origin only when the primary benefit and interest are to the community rather than to the organization. DoD support is authorized when the sponsor is:

(i) A local, State, or Federal Government.

(ii) A veteran's, Military Service-related, patriotic, or historical organization or auxiliary.

(iii) An organization (civic, service, youth, professional, educational, business, trade, or labor) whose interests are in support of the community.

(iv) A commercial enterprise *only* when:

(A) DoD support is patriotic in nature, is incidental to the program, and does not benefit selectively nor appear to benefit selectively the commercial activity of the sponsor;

(B) The sponsor's role is clearly civic in nature; and

(C) The commercial interest is subordinate to the community interest, and benefit in the program.

(v) A public school, public college, or public university.

NOTE: Support is authorized for programs sponsored by nonpublic schools, colleges, or universities only when the program is (A) of a community-wide nature of common interest and benefit, is open to all, and is broadly

<sup>1</sup>See footnote 1 to § 238.4(d).